CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

*Department of Planning, Building and Code Enforcement*

**STEPHEN M. HAASE, AICP, DIRECTOR**

# INITIAL STUDY

**PROJECT FILE NO.:** PP03-12-378

**PROJECT DESCRIPTION:** The project involves the construction of approximately 1200 linear feet of underground sewer pipes between the Guadalupe River Park and the Valley Transportation Authority (VTA) light rail yard crossing under the Guadalupe River and State Highway 87, South of Highway 880, North of West Hedding. The project consists of the construction of 450 linear feet of 48-inch underground concrete pipe, 75 linear feet of 54-inch underground concrete pipe; 230 linear feet of 42-inch underground ductile iron pipe, a twin 42- inch HDPE siphon, the abandonment of existing 36 and 42-inch pipes; and the construction of two sanitary sewer junctions; one at the Guadalupe River Park and one at of the VTA yard. All pipes will be constructed by open trench method except for the twin siphons under the Guadalupe River and State Highway 87 which will be microtunneled.

**PROJECT LOCATION:** The project is located south of Interstate 880, between North First Street and Ruff Drive.

**GENERAL PLAN DESIGNATION:** Public Park/Open Space, Public/Quasi-Public

**ZONING DISTRICTS:** R-1-8 Residential, Industrial Park and Commercial

**SURROUNDING LAND USES:** Interstate 880, State Highway 87, Valley Transportation Authority (VTA) light rail yard, Guadalupe River Park, self-storage facility and commercial services.

**PROJECT APPLICANT'S NAME AND ADDRESS:** City of San Jose, Department of Public Works, 801 N. First Street, Ste. 300, San Jose, CA 95110 Contact: Cora Pamintuan, Project Manager

**DETERMINATION: On the basis of this initial study:**

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| ☐ | I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. |
| ☒ | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared. |
| ☐ | I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required. |
| ☐ | I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document. |
| ☐ | I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required. |

Date

Signature
Name of Preparer: Michael Rhoades, Planner II
City of San Jose, Department of PBCE

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
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| **I. AESTHETICS** - Would the project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☒ | ☐ | 1,2 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☒ | ☐ | 1,2 |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| e) Increase the amount of shade in public and private open space on adjacent sites? | ☐ | ☐ | ☐ | ☒ | 1,2 |

FINDINGS: The Project consists of the construction of new underground sanitary sewer facilities. Four new manholes and one junction structure at grade will be located west of the Guadalupe River within the Guadalupe River Park. One new manhole and the junction structure will be located at grade within the Valley Transportation Authority (VTA) light rail yard located east of the Guadalupe River. The new manholes and junction structures will be visible from Guadalupe River Park but will not be visually prominent because they will be located at ground level and will be screened from view by existing and proposed landscape trees and shrubs.

Approximately 35 trees will be removed for the project. The trees are landscape trees located within Guadalupe River Park and are estimated to be 12-15 years old, and therefore are not significant visual resources. The removal of the trees will not result in adverse impacts to the visual quality of Guadalupe River Park because the trees will be replaced on site after completion of the project, and due to the presence of numerous trees that will not be removed or impacted by the project.

MITIGATION MEASURES: None required.

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| **II. AGRICULTURE RESOURCES - Would the project:** | | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ | 1,3,4 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ | 1,3,4 |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ | 1,3,4 |

FINDINGS: The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

MITIGATION MEASURES: None required.

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| **III. AIR QUALITY - Would the project:** | | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ | 1,14 |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☒ | ☐ | ☐ | 1,14 |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | ☐ | ☒ | ☐ | ☐ | 1,14 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
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| d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☒ | ☐ | ☐ | 1,14 |
| e) Create objectionable odors affecting a substantial number of people? | ☐ | ☒ | ☐ | ☐ | 1,14 |

FINDINGS:

Temporary Air Quality impacts from airborne dust may result from tunneling, grading and other construction activities on the subject site. Odors may be released during work on the sanitary sewer junction structures. Both dust and odor impacts could adversely impact persons near the project area. The project includes measures to control both dust and odor impacts during project construction. The specifications will require that odor related to construction around the junction structures is to be controlled through the use of filters, temporary covers, chemical addition to the wastewater, and masking agents as needed to limit the levels of hydrogen sulfide gas to 5 PPM (by volume) at a distance of 25 feet from the source. Airborne dust will be controlled through implementation standard dust control measures. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

MITIGATION MEASURES: The following construction practices shall be implemented during all phases of construction for the proposed project.

**Air Quality Mitigation**

1. Water all active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
4. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
5. Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
7. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.

**Odor Mitigation**. The project specifications require that odor related to construction is controlled through the use of filters, temporary covers, chemical addition to the wastewater, and masking agents as needed to limit the levels of hydrogen sulfide gas to 5 PPM (by volume) at a distance of 25 feet from the source.

## IV. BIOLOGICAL RESOURCES - Would the project:

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| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ | 1,10, 25 |
| b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ | 1,6,10, 25 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
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| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means? | ☐ | ☒ | ☐ | ☐ | 1,6, 25 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☒ | ☐ | 1,10, 25 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☒ | ☐ | ☐ | 1,6 |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ | 1,2 |

FINDINGS: The Biological Report prepared for the project by H.T. Harvey and Associates identified habitat types within and around the project site, evaluated potential biological impacts and identified mitigation measures to avoid potential impacts to biological resources. The report indicated that no special-status plant species inhabit the site. No special status wildlife are known to inhabit the area, since the riparian habitat found on site is considered marginal due to the high degree of disturbance and lack of suitable riparian understory vegetation. However, several special status species, including Chinook salmon, Cooper's Hawk, Loggerhead Shrike and the dusky footed woodrat may temporarily occupy and/or breed on the site.

The project will require the removal of approximately 35 trees. Trees located within the construction area will be removed and replaced with new trees after completion of the project. The Biological Report prepared for the project notes that the trees to be removed do not constitute riparian habitat, and only provide marginal nesting and foraging habitat. The removal of the trees within the construction zone does not constitute a significant impact to biological resources. While the removal of 35 trees could constitute a significant impact to the urban forest, the replacement of the trees will mitigate this impact to a less than significant level. The tree inventory prepared for the project (Arborwell, May, 2004) notes that the majority of the trees to be removed are non-ordinance sized and were planted during the past 12-15 years, as part of the development of Guadalupe River Park. The trees primarily serve as park landscape trees. All trees to be removed will be replaced in conformance with City of San Jose tree replacement standards, thereby ensuring conformance with applicable tree protection policies. Therefore, the removal and in-kind replacement of the trees will not adversely impact the quality of the City's urban forest.

The project will implement the recommendations and mitigation measures identified in the biological report to avoid impacts on biological resources. The method for constructing the pipeline involves tunneling under the Guadalupe River and therefore avoids construction within the banks of the river, thereby eliminating potential direct impacts to salmon. Excavation adjacent to the river bank (necessary to construct boring pits) will incorporate erosion control practices to prevent sediment transport to the river. Furthermore, the project will comply with all applicable laws and regulations applicable to biological resources during all phases of project construction activities. The mitigation measures identified below will reduce potentially significant biological impacts to a less than significant level.

**MITIGATION MEASURES:** The project includes the following measures for all construction activities that include excavation, vegetation removal or disturbance of existing ground surface to avoid or reduce potential impacts to biological resources to a less than significant level.

**Impacts to Nesting Birds**

Migratory birds, raptors and their nests are protected under federal and state laws and regulations. The site contains trees that could be used by birds for nesting during the breeding season. Project construction activities could disturb nesting raptors during the breeding season, which could result in incidental loss of fertile eggs or nestlings, or could

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otherwise result in nest abandonment. Nest abandonment and/or loss of reproductive effort caused by construction disturbance are considered "take" by CDFG, and therefore would constitute a significant impact. The mitigation measures identified below will reduce potentially significant biological impacts to a less than significant level.

**Avoidance.** Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including raptors and shrikes, in the South San Francisco Bay Area extends from January through September.

**Pre-construction/Pre-disturbance Surveys.** If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall report the results of the survey and the location of any designated buffer zones to the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

**Inhibiting Nesting.** Potential nesting substrate (e.g. bushes, trees, grass, burrows) that will be removed by the project should be removed before the start of the nesting season (February) to help preclude nesting. The project biologist shall determine if pre-removal surveys are required prior to vegetation removal. The results of the pre-removal survey, if required, shall be submitted to the City's Environmental Principal Planner in the Department of Planning, Building and Code Enforcement.

**Impacts to Chinook Salmon and Steelhead Trout**

**Avoid Construction Within or Along the River During the Wet Season.** No construction within the Guadalupe River channel is proposed. In the event that construction within the stream channel is required, the City will require subsequent environmental review that would include consultation with the California Department of Fish and Game and U.S. Army Corps of Engineers to develop appropriate habitat protection measures. Construction within or along the river would be restricted to the dry season (June 1-September 30) to minimize the potential for the transport of sediment to the river and to prevent potential impacts to salmon and anadromous fish moving along the river.

**Sediment Control.** No debris, soil, silt, sand bark, slash, sawdust cement, petroleum or other organic or earthen material shall be allowed to enter or be placed where it may be washed by rainfall or runoff into the Guadalupe River. Sediment control measures (silt fences, fiber rolls and/or straw bales) will be implemented to prevent sediment from entering the river.

**Impacts to Tree resources**

To ensure conformance with City of San Jose tree removal controls, the City of San Jose, Public Works Department shall replace all trees that will be removed for the project at the following ratios:

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Each tree greater than 18" diameter to be removed = four 24" box trees
- The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement, and shall be shown on a

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landscape/planting plan. Said plan shall be submitted to the City's Environmental Principal Planner in the Department of Planning, Building and Code Enforcement prior to completion of the project.

## CULTURAL RESOURCES - Would the project:

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| a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5? | ☐ | ☐ | ☒ | ☐ | 1,7, 26 |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5? | ☐ | ☒ | ☐ | ☐ | 1,8, 26 |
| c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | ☐ | ☐ | ☐ | ☒ | 1,8, 26 |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ | 1,8, 26 |

FINDINGS: The project site is located in an area of high archaeological sensitivity. The archeological survey prepared for the project (Archeological Resource Management, August, 2003) found that there are no recorded archeological sites located within or adjacent to the project area. No historic or prehistoric cultural materials were found during the surface inspection of the site. However, the lands on either side of the Guadalupe River are known to contain archeological deposits. Due to the potential for buried resources to be present in the project area, archeological spot-check monitoring shall be carried out by a qualified archeologist during earth moving activities in native soils. Spoils generated by the microtunneling operations will not be included in the archeological monitoring.

The following mitigation measures have been incorporated into the proposed project to reduce potential impacts on cultural resources to a less than significant level.

MITIGATION MEASURES: The project includes the following measures for all construction activities that include excavation or disturbance of existing ground surface to avoid or reduce potential impacts to buried cultural resources to a less than significant level.

A qualified archaeologist will conduct archaeological spot-check monitoring during all earthmoving activities affecting native soils, excluding bore and jack operations.

In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

## V. GEOLOGY AND SOILS - Would the project:

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| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
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| 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | ☐ | ☐ | ☐ | ☒ | 1,5,24, 27 |
| 2) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ | 1,5,24, 27 |
| 3) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ | 1,5,24, 27 |
| 4) Landslides? | ☐ | ☐ | ☐ | ☒ | 1,5,24, 27 |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ | 1,5,24 |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☒ | ☐ | 1,5,24, 27 |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ | 1,5,24 |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☐ | ☒ | 1,5,24 |

FINDINGS: A Geotechnical Investigation of the site was performed by Parikh Consultants in July, 2003. The project has incorporated the recommendations contained in the Investigation and will comply with those recommendations in the final design and construction of the project. All trench configurations will be in accordance with the recommendations of the geotechnical investigation. The crossing of the Guadalupe River will be accomplished using microtunneling operations in lieu of open trenching. The Geotechnical Investigation is available for review upon request.

MITIGATION MEASURES: None required.

## VI. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

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| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☒ | ☐ | 1 |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☒ | ☐ | 1 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ | 1 |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ | 1,12 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☒ | ☐ | 1,2 |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | 1 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
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| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☒ | 1 |

FINDINGS: The project does not propose the use or storage of hazardous materials, other than those routinely associated with construction equipment, which will be used and stored in compliance with all applicable fire safety codes and standards. The project is located approximately one-half mile of Norm Y. Mineta San Jose International Airport, however the project involves the construction of underground utilities and will not create a safety hazard for airport operations nor will the airport itself constitute a hazard for workers on the project due to the limited duration of construction.

MITIGATION MEASURES: None required.

## VII. HYDROLOGY AND WATER QUALITY - Would the project:

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| a) Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☒ | ☐ | 1,15,30 |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ | 1 |
| c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site? | ☐ | ☐ | ☐ | ☒ | 1 |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site? | ☐ | ☐ | ☒ | ☐ | 1 |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☒ | 1 |
| f) Otherwise substantially degrade water quality? | ☐ | ☒ | ☐ | ☐ | 1 |
| g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ | 1,9 |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ | 1,9 |
| i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ | 1 |
| j) Be subject to inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ | 1 |

FINDINGS: The project site consists of parklands belonging to the City of San Jose and a portion of the Valley transportation Authority light rail yard. A portion of the project site is located within a 100-year flood hazard area as shown on FEMA flood maps, however the project consists of underground sanitary sewer improvements that will not add to or impede future flood flows or expose people or property to increased risk of flood hazards.

The proposed project would not increase the amount of impervious surface or increase the amount of runoff in the area in the long-term, since the site will be restored to its original condition after the project is completed. The project would not result in long-term hydrology or water quality impacts.

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
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Because the project involves tunneling in an area with high ground water levels, dewatering during construction will be required. Project dewatering operations will remove sediment from the ground water prior to discharge into the existing storm drain system. The Regional Water Quality Control Board has issued a letter approving the discharge of groundwater to the storm drain system that includes monitoring and reporting requirements and includes guidelines to ensure that discharged water meets acceptable standards for turbidity and pH.

Project construction could result in temporary impacts to surface water quality and could thereby increase storm water pollution. The replacement/installation of the pipeline will result in soil disturbance, thereby increasing the potential for erosion and sediment transport to Guadalupe River. This would be a potentially significant impact.

MITIGATION MEASURES: The following mitigation would reduce short-term water quality impacts to a less than significant level:

Prior to construction of the project, the City of San Jose Department of Public Works shall submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Regional Water Quality Control Board. Implementation of the SWPPP shall include control measures during the construction period for:

- Soil stabilization practices
- Sediment control practices
- Sediment tracking control practices
- Wind erosion control practices
- Non-storm water management and waste management and disposal control practices
- Turbidity and pH standards, as specified by the State of California Regional Water Quality Control Board.

With the implementation of the above measures, the proposed project would not result in significant hydrology or water quality impacts.

## VIII. LAND USE AND PLANNING - Would the project:

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| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☒ | ☐ | 1,2 |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ | 1,2 |

FINDINGS: The project area is comprised of two locations, one west of the Guadalupe River, within Guadalupe River Park, and one east of the Guadalupe River, within the VTA light rail yard. The new pipelines will be located below ground, with manholes and inlet/outlet structures located at ground level. Two pipelines will be located below the Guadalupe River and State Route 87. Upon completion of the project, only the manholes and junction structures will be visible above ground. Surrounding land uses consist of Interstate 880, State Route 87, vacant residential parcels, a union hall, cement contractors yard and public storage facility. Norm Y. Mineta International Airport is located approximately one half mile west of the project area. The proposed project does not propose a change in land use or the conversion of agricultural lands. Upon completion of the project, the site will look the same as it does at present.

The City of San Jose's Riparian Corridor Policy Study (1999) provides specific guidelines for the protection and enhancement of the City's riparian areas. Construction of the pipelines under the Guadalupe River and State Route 87

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

will utilize the microtunneling method, to avoid impacts to the riparian corridor. Construction occurring on or near the banks of the Guadalupe River will utilize Best Management Practices (BMPs), including, but not limited to sediment control barriers, to control soil erosion and prevent sediment transport to the river. Because the project has been designed to avoid removal of riparian vegetation, avoid construction within the river channel and includes BMPs to protect the Guadalupe River from sedimentation, it is therefore consistent with this policy. There is no habitat conservation plan or natural community conservation plan affecting the project area.

To ensure conformance with applicable State and Federal regulations, the project proponent will obtain permits from the Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game.

MITIGATION MEASURES: None required.

## IX. MINERAL RESOURCES - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ | 1,2,23 |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ | 1,2,23 |

FINDINGS: The site is not located within the vicinity of any site containing mineral resources; therefore it would have no impacts on mineral resources.

MITIGATION MEASURES: None required.

## X. NOISE - Would the project result in:

| | | | | | |
|---|---|---|---|---|---|
| a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☒ | ☐ | ☐ | 1,2,13,18 |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☒ | ☐ | 1 |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | 1 |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☒ | ☐ | ☐ | 1 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | 1 |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | 1 |

FINDINGS: Existing noise levels in the project vicinity are due to roadway noise from Interstate 880 and State Route 87 and range from 75 to 79 DNL. Additionally, noise from Mineta International Airport is 70 CNEL. The project would not add to the noise environment in the area and would not result in long-term noise impacts to the land uses in the project vicinity. Noise levels will remain at current levels in both the pre- and post-construction conditions.

Noise levels from construction would not be higher than the current noise levels in the project vicinity; however, short-term construction noise increases could be a temporary nuisance to businesses near the project alignment and could represent a significant noise impact. Although significant, such short-term construction impacts are only temporary in nature and would not result in significant long-term noise impacts.

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

To reduce the temporary noise increase due to construction activities, the project has incorporated the following mitigation measures:

MITIGATION MEASURES:

The project will comply with Section 1501-3.1of the Standard Specifications, "Odor and Noise Mitigation". Noise levels from plugging and diversion of sewage operations shall be limited to 80 dBA within 50 feet of the source between the hours of 7:00 am and 7:00 p.m., and 55 dBA within 50 feet of the source between the hours of 7:00 p.m. and 7:00 a.m.

## XI. POPULATION AND HOUSING - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☒ | ☐ | 1,2 |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | 1 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | 1 |

FINDINGS: The project is the construction of new sanitary sewer pipelines to replace existing pipelines. The project is proposed to serve the existing San Jose area and is not being extended to currently undeveloped areas. Therefore, the project will not result in growth inducing impacts.

MITIGATION MEASURES: None required.

## XII. PUBLIC SERVICES - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | |
| Fire Protection? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| Police Protection? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| Schools? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| Parks? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| Other Public Facilities? | ☐ | ☐ | ☒ | ☐ | 1,2 |

FINDINGS: The project is the replacement/installation of sanitary sewer pipeline and would not result in the need for additional public services.

MITIGATION MEASURES: None required.

## XIII. RECREATION

| | | | | | |
|---|---|---|---|---|---|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ | 1,2 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

FINDINGS: The project is the replacement/installation of sanitary sewer pipeline and would not result in the need for additional public recreation facilities.

MITIGATION MEASURES: None required.

## XIV. TRANSPORTATION / TRAFFIC - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)? | ☐ | ☐ | ☐ | ☒ | 1,2,19 |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☒ | 1,2,19 |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ | 1,19 |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ | 1,19 |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ | 1,20 |
| f) Result in inadequate parking capacity? | ☐ | ☐ | ☐ | ☒ | 1,18 |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☒ | 1,2,18 |

FINDINGS: The project will produce utilize the microtunneling method of excavation for placement of the pipeline, thereby minimizing the amount of truck trips necessary to haul excavated soils from the site. Project activities such as equipment mobilization and worker trips to and from the project site will yield temporary, insignificant impacts to local roadways and intersections. The project will not impact long-term traffic levels or local intersection levels of service.

MITIGATION MEASURES: None required.

## XV. UTILITIES AND SERVICE SYSTEMS - Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ | 1,15 |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | 1,2 |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | 1 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ | 1 |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ | 1,19 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ | 1 |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ | 1 |

| *Issues* | *Potentially Significant Impact* | *Less Than Significant With Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|

FINDINGS: The project itself is a public improvement and at completion will not impact wastewater transport or treatment capacity. The project is necessary to ensure the long-term structural integrity of the existing sewer system.

MITIGATION MEASURES: None required.

## XVI. MANDATORY FINDINGS OF SIGNIFICANCE

| | | | | | |
|---|---|---|---|---|---|
| a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ | 1,10 |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects. | ☐ | ☐ | ☐ | ☒ | 1,16 |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☒ | ☐ | 1 |

FINDINGS: The project consists of a constructing new sanitary sewer lines to ensure safe operation of the sanitary sewer system. The project is necessary due to increased ground pressure loading on the existing sewer pipeline resulting from the construction of State Highway 87. The completion of the project will ensure the safe operation of the sanitary sewer system, thereby affording an increased level of environmental protection. The project has been designed to avoid direct impacts to the biological resources in the vicinity. Although some aspects of the proposed project could have a significant effect on the environment, the incorporation of the mitigation measures identified above and agreed to by the project proponent will avoid significant impacts.

MITIGATION MEASURES: N/A

## CHECKLIST REFERENCES


1. Environmental Clearance Application – File No. PP03-12-378
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Biological Report by H.T. Harvey & Consultants, November, 2003
26. Cultural Resource Evaluation by Archeological Resource Management, August, 2003
27. Geotechnical Investigation by Parikh Consultants, Inc., July, 2003
28. Personal Communication: Yousra Tilden, RMC, Inc., June 3, 2004.
29. Project Tree Inventory, Arborwell, May, 2003.
30. Letter regarding Request to Discharge Groundwater, California Regional Water Quality Control Board, February 2004.